

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. DNCW5:17CR54
	)	(Financial Litigation Unit)
	)	
TIMOTHY JAMES BREWER,	)	
Defendant,	)	
and	)	
	)	
NORTH CAROLINA DEPARTMENT OF	)	
STATE TREASURER, RETIREMENT	)	
SYSTEMS DIVISION,	)	
Garnishee.	)	

**ORDER OF CONTINUING GARNISHMENT**

**THIS MATTER** is before the Court on the Answer of North Carolina Department of State Treasurer, Retirement Systems Division, as the Garnishee. An Amended Judgment in the criminal case was filed on August 7, 2019 (Doc. No. 42). As part of that Judgment, the Defendant was ordered to pay an assessment of \$100.00 and restitution of \$72,503.52 to the victims of the crime. *Id.*

On April 8, 2022, the Court entered a Writ of Continuing Garnishment (Doc. No. 48) to the Garnishee, North Carolina Department of State Treasurer, Retirement Systems Division. The Garnishee was served with the Writ on April 14, 2022. The Defendant was served with the Writ and Instructions notifying him of his right to request a hearing on April 21, 2022. The Garnishee filed an Answer on April 29, 2022 (Doc. No. 51) stating that at the time of the service of the Writ, the Garnishee had in its custody, control or possession property or funds owned by the Defendant, including non-exempt, disposable earnings. The Defendant did not request a hearing, and the statutory time to do so has elapsed.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$66,950.11 computed through April 7, 2022. The Garnishee shall pay the United States up to the lesser of (1) twenty-five percent of the Defendant's disposable earnings which remain after all deductions required by law have been withheld, or (2) the amount by which the Defendant's disposable earnings for each week exceed thirty times the federal minimum wage. *See* 15 U.S.C. § 1673(a). The Garnishee shall continue said payments until the debt to the Plaintiff is paid in full, or until the Garnishee no longer has custody, possession or control of any property belonging to the Defendant, or until further order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

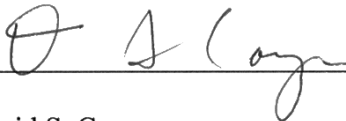
Clerk of the United States District Court  
401 West Trade Street  
Charlotte, North Carolina 28202

In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW5:17CR54.

The Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the Defendant would normally receive may be offset and applied to this debt.

**SO ORDERED.**

Signed: May 24, 2022

  
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David S. Cayer  
United States Magistrate Judge

